

missioner shall die, resign, refuse or neglect, for twenty days, to take the oath of office herein prescribed, or remove from the county, the governor and council shall appoint a properly qualified person to fill his place, until the time of the next annual election, when a person shall be elected to serve the residue of his term, if any, in addition to the commissioners to be annually elected.

Sec. 2. And be it enacted, That every commissioner elected, or appointed, as aforesaid, shall, before he enters upon the duties of his office, take and subscribe, before some judge, or justice of the peace, an oath or affirmation, that he will faithfully, diligently and impartially, exercise the powers, and perform the duties of commissioner of his proper county, as the case may be, as authorised and required by law, according to the best of his skill and judgment, without favour, affection, hatred, malice, or ill will, and that he will, in making all appointments to office, vote for such persons, among those who are willing to accept, as in his judgment and belief shall be most capable and best qualified to perform the duties of such office; which oath shall be recorded in a book to be kept for that purpose among the records of the said county, as the case may be.

Sec. 3. And be it enacted, That the commissioners elected, or appointed, as aforesaid, and their successors, shall be and they are hereby incorporated and constituted a body politic, by the name, style and title, of 'The Commissioners of                    county, as the case may be, and by that name shall have continual and perpetual succession, and be capable in law of suing and being sued, of making and using a corporate seal, and of altering the same, of taking, holding, selling and conveying, all kinds of estate, property and effects, and of doing all such acts as shall be necessary to the exercise of all the powers which are or shall be vested in them by this act, or by any other act of assembly, as fully and effectually as corporate bodies may or can lawfully and rightfully do.

Sec. 4. And be it enacted, That when and as soon as the commissioners to be elected or appointed as aforesaid, and shall have taken and subscribed the oath, or affirmation, herein before described, all the powers, rights and privileges, lawfully exercised by, and all property, estate and effects, vested in the justices of the levy court of the proper county as aforesaid, as the case may be, shall be transferred to and vested in the commissioners of the said county, who or a majority of them, shall thereafter exercise all the said powers, rights and privileges, and shall perform all the duties required to be performed by the said justices of the le-

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